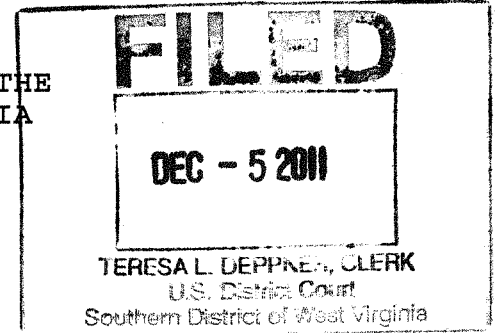


UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON



UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:11-cr-00262
18 U.S.C. § 1341

MICHAEL TINCHER

I N F O R M A T I O N

The United States Attorney Charges:

Background

1. At all relevant times, Sodaro's Electronic Sales, Inc. ("Sodaro's") was an electronics retail store in Charleston, Kanawha County, West Virginia. Sodaro's sold a variety of electronics for the home including televisions, DVD and Blu-ray players, and radios.

2. At all relevant times, defendant MICHAEL TINCHER was an employee of Sodaro's.

3. Defendant MICHAEL TINCHER's responsibilities as an employee at Sodaro's included ordering, receiving and selling merchandise.

4. EBay, Inc. ("eBay") was an Internet marketplace which permitted consumers from all over the world to buy, sell and trade a wide variety of goods and services through the use of online auctions.

5. PayPal, Inc. ("PayPal"), an eBay company, enabled individuals and businesses transacting business on eBay to securely send and receive online payments.

6. Defendant MICHAEL TINCHER maintained an eBay account "flyinggsolo." Defendant used this eBay account to sell merchandise that he stole from Sodaro's.

7. Defendant MICHAEL TINCHER maintained a PayPal account through which he facilitated hundreds of financial transactions relating to merchandise he sold to eBay bidders and other purchasers through his "flyinggsolo" account.

The Scheme

8. From approximately 2002 and continuing through October, 2010, at or near Charleston, Kanawha County, West Virginia, within the Southern District of West Virginia and elsewhere, defendant MICHAEL TINCHER knowingly devised and intended to devise a scheme and artifice to defraud Sodaro's, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

Manner and Means for Carrying Out the Scheme

9. Defendant MICHAEL TINCHER executed the scheme and artifice to defraud through the following and other manner and means:

a. It was part of the scheme that defendant MICHAEL TINCHER placed orders for merchandise, including electronics, light bulbs, and other goods, for Sodaro's.

b. It was further part of the scheme that defendant MICHAEL TINCHER would steal merchandise from Sodaro's, including some items

he ordered for the sole purpose of stealing them. Items defendant MICHAEL TINCHER ordered on behalf of Sodaro's for the sole purpose of stealing them were shipped by the electronics distributor to Sodaro's by Federal Express, a private and commercial interstate carrier.

c. It was further part of the scheme that defendant MICHAEL TINCHER would then list the stolen items on eBay on his account "flyinggsolo" for sale to eBay customers who were unaware of the stolen character of the items. Between 2002 and continuing through October, 2010, defendant MICHAEL TINCHER sold at least 1,295 items that he stole from Sodaro's through separate eBay auctions.

d. It was further part of the scheme that defendant MICHAEL TINCHER received payment from the eBay customers through his PayPal account, from which account the defendant withdrew cash and otherwise converted the funds to his personal use at various retail establishments throughout Charleston, Kanawha County, West Virginia, and elsewhere.

e. It was further part of the scheme that defendant MICHAEL TINCHER stole at least \$197,312.00 of items from Sodaro's.

Use of an Interstate Carrier in Furtherance of the Scheme

10. On or about July 24, 2008, at or near Charleston, Kanawha County, West Virginia, within the Southern District of West Virginia and elsewhere, for the purpose of executing and attempting to execute the above-described scheme and artifice to defraud, and to obtain money through materially false and fraudulent pretenses, defendant MICHAEL TINCHER knowingly caused to be delivered by Federal Express, a private and commercial interstate carrier, a

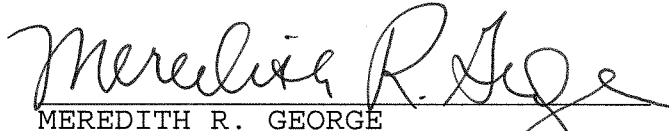
matter and thing, according to the direction thereon, that is, a shipment of electronics addressed to Sodaro's in Charleston, West Virginia, containing, among other things, five Sony High Output Full Sized Flashes, Model Number HVL-F32X.

In violation of Title 18, United States Code, Section 1341.

UNITED STATES OF AMERICA

R. BOOTH GOODWIN II
United States Attorney

By:


MEREDITH R. GEORGE
Assistant United States Attorney